

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33852

STATE OF IDAHO,)	2008 Unpublished Opinion No. 463
)	
Plaintiff-Respondent,)	Filed: May 13, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
RICHARD RONALD SMITH,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. R. Barry Wood, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of three years, for felony driving under the influence, affirmed.

Fuller Law Office, Twin Falls, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Richard Ronald Smith pled guilty to felony driving under the influence. I.C. § 18-8005. The district court initially sentenced Smith to a unified term of ten years, with a minimum period of confinement of three years to run consecutive to another felony DUI sentence. However, following Smith's I.C.R. 35 motion, the district court amended Smith's judgment of conviction and modified his sentence to a unified term of five years, with a minimum period of confinement of three years, consecutive to the other felony DUI. Smith appeals.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho

722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Smith's judgment of conviction and sentence are affirmed.